

1 LOUIS A. LEONE, ESQ. (CSB #099874)  
2 KATHLEEN DARMAGNAC, ESQ. (CSB #150843)

3 **STUBBS & LEONE**

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5 Walnut Creek, CA 94596

6 Telephone: (925) 974-8600

7 Facsimile: (925) 974-8601

8 Attorneys for Defendants/Cross-complainants

9 SAN FRANCISCO COMMUNITY COLLEGE DISTRICT

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 MARGIE CHERRY and ESTORIA CHERRY  
13 on behalf of themselves and all others  
14 similarly situated,

15 Plaintiffs,

16 vs.

17 THE CITY COLLEGE OF SAN FRANCISCO  
18 ("City College"); et al.

19 Defendants.

20 SAN FRANCISCO COMMUNITY COLLEGE  
21 DISTRICT,

22 Cross-Complainant,

23 vs.

24 SWINERTON & WALBERG COMPANY, a  
25 California corporation, et al.

26 Cross-Defendants.

Case No.: C04-4981 WHA

CLASS ACTION

STIPULATION AND ~~[PROPOSED]~~  
ORDER FOR FILING AMENDED  
CROSS-COMPLAINT

[FRCP 15(a)]

27 IT IS HEREBY STIPULATED by and between the parties that the Cross-  
28 Complainant SAN FRANCISCO COMMUNITY COLLEGE DISTRICT may file an

1 Amended Cross-Complaint per Fed.R.Civ.Proc. 15(a), a copy of which is attached  
2 hereto.

3 IT IS FURTHER STIPULATED that the cross-defendants waive notice and  
4 service of the amended cross-complaint and shall not be required to answer the  
5 amendment and that all denials, responses and affirmative defenses contained in the  
6 answer filed by each cross-defendant to the original cross-complaint shall be responsive  
7 to the amended cross-complaint. Furthermore, Cross-Defendant Swinerton Builders  
8 specifically denies each and every allegation contained in paragraphs 11, 15, 16, 39 -  
9 43, and 60 of the amended cross-complaint

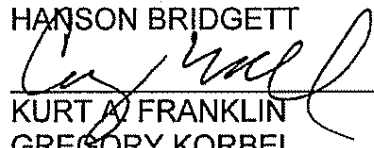
10  
11 Dated: September \_\_, 2006

STUBBS & LEONE

12  
13 KATHLEEN DARMAGNAC  
14 Attorney for Defendants

15  
16 Dated: September 5, 2006

HANSON BRIDGETT

17   
18 KURT A. FRANKLIN  
19 GREGORY KORBEL  
20 Attorney for Cross-Defendant  
21 Swinerton Builders

22  
23 Dated: September \_\_, 2006

GORDON & REES

24 LISA A. PERROT  
25 Attorney for Cross-Defendant Patri,  
26 Burlage, Merker Architects and  
27 Patri.Merker Architects, Inc

28  
Dated: September \_\_, 2006

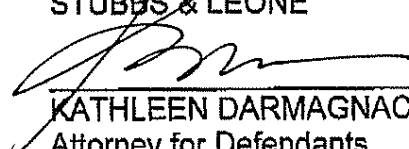
H.VINCENT MCLAUGHLIN  
Attorney for Cross-Defendant Vanir  
Construction Management, Inc.

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11 Dated: September 15, 2006

STUBBS & LEONE

  
KATHLEEN DARMAGNAC  
Attorney for Defendants

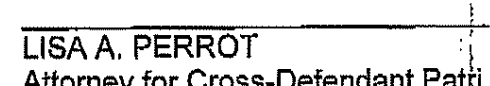
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16 Dated: September \_\_, 2006

HANSON BRIDGETT

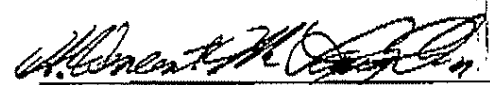
  
KURT A. FRANKLIN  
GREGORY KORBEL  
Attorney for Cross-Defendant  
Swinerton Builders

17  
18  
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20 Dated: September \_\_, 2006

GORDON & REES

  
LISA A. PERROT  
Attorney for Cross-Defendant Patri,  
Burlage, Merker Architects and  
Patri.Merker Architects, Inc

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25 Dated: September 15, 2006

  
H.VINCENT MCLAUGHLIN  
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STUBBS & LEONE

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13 \_\_\_\_\_  
KATHLEEN DARMAGNAC  
14 Attorney for Defendants

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16 Dated: September \_\_, 2006

HANSON BRIDGETT

17 \_\_\_\_\_  
KURT A. FRANKLIN  
18 GREGORY KORBEL  
19 Attorney for Cross-Defendant  
Swinerton Builders

20 Dated: September 14, 2006

GORDON & REES

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22 LISA A. PERROT  
23 Attorney for Cross-Defendant Patri,  
24 Burlage, Merker Architects and  
Patri.Merker Architects, Inc

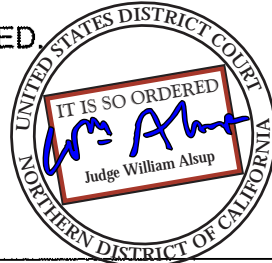
25 Dated: September \_\_, 2006

26 \_\_\_\_\_  
27 H.VINCENT MCLAUGHLIN  
28 Attorney for Cross-Defendant Vanir  
Construction Management, Inc.

**ORDER**

Leave to file the Amended Cross-Complaint is GRANTED.

**IT IS SO ORDERED.**



DATED: September 18, 2006

HON. WILLIAM H. ALSUP  
United States District Judge